




# MEMORANDUM

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**DATE:** September 23, 2003

**TO:** Members of the Mayor and Council  
Economic Development Subcommittee

**FROM:**   
Karen Thoreson  
Assistant City Manager

**SUBJECT:** Peddler Ordinance Options Discussed to Date

At the latest meeting of the Economic Development Subcommittee, agreement was reached on several proposed amendments to the Peddler Ordinance. A limit on the hours of operation for street peddlers was agreed to. The recommendation was to require peddlers to close and leave the site between 10:00 p.m. and 6:00 a.m. It was agreed that peddlers should be banned from City owned property (except for property currently under a licensing regulation for vendors) and external generators should be banned from operating at the site. It was agreed that peddlers could operate on unpaved lots and that set backs are needed.

The Subcommittee discussed, but did not come to a consensus, on two other issues. The first dealt with the site plan requirement. This issue can be broke down into two categories-peddlers operating on an unimproved lot and those operating on existing on parking lots of existing commercial developments. As to the latter, staff recommends that, if the owner of the site grants permission for to the peddler to occupy the site, then the owner must revise his current site plan, consistent with the Land Use Code (LUC), to show compliance with all zoning laws. The services of an architect or engineer are usually necessary to accomplish this.

For peddlers operating on dirt or unimproved lots, there are 3 options. First, the City can require a full site plan meeting the requirements of the LUC as with the improved lots. Alternatively, the City can require only that the applicant show compliance with parking and setback requirements. The applicant can prepare such a plan. Finally, the City can stay with the current system of not requiring any site plan. Staff recommends that applicants be required to only show compliance with setback requirements. The setback requirements would apply to parking also. In other words, customers would not be allowed to park within the setback area (which would probably require some kind of demarcation on the ground, such as a spray painted line).

The Subcommittee has approved setback requirements in concept. Separation requirements requiring peddlers to be a certain distance from each other have been discussed but not approved. Neighborhood residents have indicated that having a setback from residences is a major concern. Staff recommends that peddlers be set back from residential lots by 100 feet. Phoenix has a requirement that peddlers be separated by at least 1300 feet on the same side of the street and no more than 2 peddlers can occupy an intersection. Staff requests direction on this issue.

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Under the current ordinance, permission from property owner is required to operate, but is not a prerequisite for obtaining a license. Staff recommends that written permission from the property owner be required as part of the licensing process.

How the changes will be initially enforced has also been discussed. Staff recommends that the hours of operation and generator ban go into effect immediately upon adoption by the Mayor and Council. If the Mayor and Council adopt site plan, separation and setback requirements, and the requirement to obtain written owner permission. Staff recommends that they not go into effect for 90 days after adoption to give applicants a grace period to come into compliance. After the 90-day period, all peddlers would have to obtain new licenses and comply with the new LUC requirements. Licenses would be issued on a first come, first served basis.

There are several other areas that the Subcommittee has not yet addressed that were included in the memorandum of possible peddler ordinance changes sent to the Subcommittee on August 4, 2003. This memorandum is what was sent to the neighborhood associations and street peddler license holders. A copy of the memorandum is attached for your reference.

KT:DD:mhy

Attachments: Memorandum Dated April 21, 2003  
Comments from the Fairgrounds Neighborhood Association

cc: James Keene  
Mayor and Council  
Scott Douthitt  
Walter Tellez  
Dave Deibel



# MEMORANDUM

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**DATE:** August 21, 2003

A handwritten signature in cursive script, appearing to read "Mike Letcher".

**TO:** Honorable Mayor and Council  
Economic Development Subcommittee

**FROM:** Mike Letcher  
Deputy City Manager

**SUBJECT:** Street Peddlers Ordinance

At your August 6, 2003 meeting, you agreed to provide staff with feedback on what should be included and not included in a draft street peddlers ordinance. Attached is the July 25<sup>th</sup> memorandum from City Manager James Keene to the Committee. I am requesting that the Subcommittee provide staff direction on points that you want covered in the proposed street peddler ordinance based on this memorandum.

Senior Assistant City Attorney Dave Deibel will be present at the meeting to address any specific legal questions you may have regarding this issue.

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Attachment

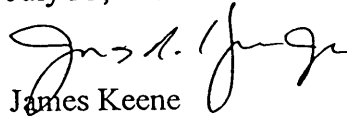


# MEMORANDUM

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DATE: July 25, 2003

TO: The Honorable Mayor and Council  
Economic Development Subcommittee

FROM:   
James Keene  
City Manager

SUBJECT: Street Peddlers

At the June 24, 2003 meeting of the Mayor & Council Economic Development Subcommittee, staff was directed to review the information provided by the Street Peddlers task force and return with their analysis. Council Member Steve Leal recommended the task force be comprised of staff from the Comprehensive Planning Task Force, Development Services, Finance, City Attorney and the Police Department.

The Street Peddler Task Force reviewed the proposals for strengthening the existing peddler ordinance and the regulations recently adopted by the City of Phoenix. After their review, the Task Force developed recommendations for amendments to the Tucson Code. The Task Force gave the Subcommittee a range of options to address the issue. The Subcommittee, and the Mayor and Council, can choose to implement some, most, or all of these recommendations.

Both the business regulations of Title 7 of the Tucson Code relating to street peddlers and the Land Use Code will have to be amended under these recommendations. The business regulations could be adopted by the Mayor and Council much more quickly than Land Use Code amendments and can go into effect immediately. LUC amendments will have to be referred to the Planning Commission for their recommendation prior to formal action by the Mayor and Council.

## Business Regulations

If adopted, the amendments would impose the following requirements:

- 1) All individuals in the peddler business would have to be licensed, including the actual peddler and the owner of the business if not the same person, and pay a license fee. The license will be valid for one year.
- 2) An individual would be allowed to own and/or manage no more than one peddler operation.

- 3) Each licensee shall have a designated agent who resides within the City on a permanent basis.
- 4) The license application would contain more information than currently required. For example, the application would contain the manager's name and address, a copy of a health permit if required, proof of authority to occupy the proposed site, all zoning violations and peddler ordinance violations for the previous 5 years, fingerprints and photo, and a plot plan showing compliance with the Land Use Code and the peddler ordinance.
- 5) The license must be prominently displayed on the vending unit and the space licensed for use by the peddler must be clearly marked on the ground.
- 6) The license can be revoked for violations of the peddler ordinance and the LUC, along with various criminal convictions. The Finance Director could enter into consent agreements with the peddler to dispose of a revocation case. Such agreements could impose requirements above that required by the ordinance
- 7) Operation requirements would be imposed, including:
  - a) maintaining on the vending unit written permission to occupy the land,
  - b) restrictions on amplified sound,
  - c) bans on generators and connections to electricity and water,
  - d) restriction on placement in vision triangles,
  - e) unit size limitation,
  - f) service restrictions (i.e.: prohibition on product installation),
  - g) removal of the unit after close,
  - h) time of operation restrictions,
  - i) prohibition on outdoor cooking,
  - j) a requirement that only disposable tableware be used, and
  - k) cleanliness requirements.
- 8) The County Assessor will be notified if the City learns that a vacant lot is being used by a peddler.
- 9) Street peddlers would be banned from operating in any City right of way except as noted in number except that the peddler ordinance would not apply to the sidewalk areas subject to the sidewalk regulations of Tucson Code § 11-36.2(a). These areas are the downtown, Fourth Avenue, and University zones. Section 11-36.2(b)(3) allows commercial operations on sidewalks in these zones pursuant to a permit.
- 10) Street peddlers would be required to comply with existing sign code regulations.

Land Use Code Regulations

If adopted, the amendments would impose the following requirements:

1. Peddlers would be allowed only in C-2 and less restrictive zoning.
2. Peddlers must be 1300 feet apart from one another on the same side of the street. No more than 2 peddlers would be allowed on corner lots at any intersection.
3. Peddlers would only be allowed to operate on paved lots and have a minimum of 3 parking spaces designated for their use.
4. A peddler on a vacant lot would be considered a use and be subject to all LUC regulations affecting that use.
5. A peddler on a lot that has another use would also be considered a use if the unit is located within or under any permanent structure.
6. Peddlers must be more than 15 feet from any street right of way, 10 feet from sidewalks, 100 feet from on/off ramps from freeways, and 100 feet from residences.
7. Exceptions would be allowed for peddlers operating at licensed swap meets, seasonal sales (such as Christmas trees and pumpkins), or that are regulated as promotional sales at shopping centers.

c: Mike House, David Deibel, Mike McCrory, Walter Tellez, Karen Thoreson, Kendall Bert

**ADDITIONS/CHANGES PER FAIRGROUNDS NEIGHBORHOOD ASSOCIATION**  
*Changes are in **BOLD** font.*

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- 3) Each licensee shall have a designated agent who resides within the City on a permanent basis.
- 4) The license application would contain more information than currently required. For example, the application would contain the manager's name and address, a copy of a health permit if required, **proof of authority from property owner** to occupy the proposed site, all zoning violations and peddler ordinance violations for the previous 5 years, fingerprints and photo, and a plot plan showing compliance with the Land Use Code and the peddler ordinance.
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- 7) Operation requirements would be imposed, including:
  - a) maintaining on the vending unit written permission **from property owner** to occupy the land,
  - b) restrictions on amplified sound,
  - c) bans on generators and connections to electricity and water,
  - d) restriction on placement in vision triangles,
  - e) unit size limitation,
  - f) service restrictions (i.e.: prohibition on product installation),
  - g) removal of the unit after close **which includes the cart, awnings, chairs, tables, signs, etc.,**
  - h) time of operation restrictions, **NO vending between 11:30 PM and 6:00 AM**
  - i) prohibition on outdoor cooking,
  - j) a requirement that only disposable tableware be used, and

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

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